THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 2739 of 2006

DATED: 14-02-2006

Between:

Smt. Y. Venkata Rama Devi

W/o. late Y. Venkata Narasimha Rao …Petitioner

And

The District Collector,

Mahaboobnagar District,

Mahaboobnagar and

Three others …Respondents

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WRIT PETITION NO. 2739 of 2006

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the respondent in interfering with their peaceful possession and enjoyment over their patta land in Survey No.829/B1 and 829/B2 measuring Ac.2.24 guntas each of Gadwal Village and Mandal, Visakhapatnam District without passing any orders in pursuance of the show cause notice, as arbitrary and illegal.

Heard the learned counsel appearing for the petitioners and the learned

Government Pleader for the respondent and perused the material on record.

The petitioners submit that an extent of Ac.5.08 in Survey No.829/B situated at Gadwal village and Mandal of Mahaboob Nagar District was originally assigned in favour of one Mohammad Hussain, who is no other than the father of the first petitioner and the husband of the second petitioner. The said Mohammad Hussain died in the year 1993 and after his death, the said property was mutated in favour of petitioners, being his legal representatives, in equal shares to an extent of Ac.2.24 guntas each and pattadar passbooks were also issued. It is stated that the said land being cultivated by the said Mohammad Hussain till his death and thereafter, petitioners are in continuous possession and enjoyment of the same.

It is further stated that while so, a show cause notice dated 07-06-2005 has been issued by the Mandal Revenue Officer, Gadwal alleging that the petitioners are not cultivating the said land for the last 10 years, and accordingly an explanation was called upon to be submitted within seven days as to why the said patta shall not be cancelled. For the said show cause notice, petitioners submitted their explanation on 26-07-2005 before the respondent. It is stated that without considering the said explanation and without passing any final orders, respondent is pressuring to dispossess the petitioners without any justification whatsoever.

It is stated that as per the conditions stipulated in the loani patta, if the land is not cultivated by the assignee, it is liable to be cancelled and the same can be resumed by the government. But without passing any order canceling the patta for violation of the conditions stipulated, the possession of the petitioners cannot be disturbed.

Having regard to the facts and circumstances of the case, in my considered opinion it is appropriate to direct the respondent to consider the explanation of the petitioners and pass appropriate orders in accordance with law. Till such time, the petitioners shall not be dispossessed from their lands.

Writ petition is accordingly disposed of. No costs.

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V. ESWARAIAH, J.

Dated: 14-02-2006.

RNS